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FOUNDED 1890

PATENT, TRADEMARK, COPYRIGHT  
AND RELATED MATTERS: ALL PHASES  
INCLUDING LICENSING AND LITIGATION

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**FACSIMILE TRANSMISSION**TOTAL PAGES (Including Cover Page)      DATE: December 6, 2006Commissioner of Patents and Trademarks  
TO:      FROM: Raiford A. Blackstone, Reg. No. 25,156FAX NO: (571) 273-8300 FAX NO: (312) 704-8023*If you experience any difficulty with this transmission, please call (312) 704-1890 for assistance.***ORIGINAL COPY AND ENCLOSURES**

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**NOTES:**

Inventor: Edirisuriya et al.  
For: A METHOD OF FORMING A  
RESPIRATORY CONDUIT  
Serial No.: 10/820,543  
Filed: April 8, 2004  
Art Unit: 1732  
Atty Docket No.: 1171/40711A/127A

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent  
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Date

Tiffany E. Lynch  
Tiffany E. Lynch**IMPORTANT NOTICE**

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## PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICERECEIVED  
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DEC 06 2006

Serial No.: 10/820,543 )  
)  
Confirmation No.: 8375 )  
)  
Applicant: Edirisuriya et al. )  
)  
Filed: April 8, 2004 )  
)  
For: A METHOD OF FORMING )  
A RESPIRATORY )  
CONDUIT )  
)  
Examiner: JOHNSON )  
)  
Art Unit: 1732 )  
)  
Attorney Docket No.: )  
1171/40711A/127A-CIP )

CERTIFICATION OF FACSIMILE TRANSMISSION	
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December 6, 2006	Date
Tiffany E. Lynch	Tiffany E. Lynch

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant received an Office Action dated October, 2, 2006 for the above-identified patent application. In that Office Action, Examiner Gibson stated in paragraph 5 that "During a telephone conversation by Angela Ortiz [the Examiner who was formally handling the application] with applicant on 3/14/06 a provisional election was made without traverse to prosecute the invention of Group II, claims 4-5." As a result, claims 1-3 and 6-9 were withdrawn.

Upon receipt of this Office Action, we contacted Examiner Gibson and she advised that we had made the election "with traverse", not "without" as stated in the Office Action.

We advised Examiner Gibson that we do not have record in our file of the 3/14/06 conversation or the election. We also advised Examiner Gibson that Applicant would not, in fact, have elected Group II, and instead would have elected Group I, claims 1-3 and 6-9.

Thereafter, we spoke with SPE Zalukaeva regarding this matter. We affirmed our election without traverse of Group I, claims 1-3 and 6-9. SPE Zalukaeva advised that this application has been transferred to Examiner Johnson in Art Unit 1732 and the Office Action dated October, 2, 2006 has been withdrawn. SPE Zalukaeva advised that this would be detailed in an Interview Summary sent out with the next Office Action.

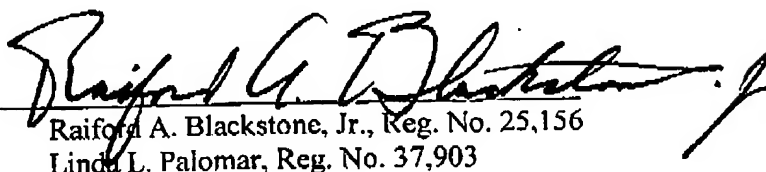
The undersigned notes that in PAIR, this application has been reassigned to Examiner Johnson.

Should the Examiner have any questions regarding this Communication, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: Dec. 6, 2006

By:

  
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